

**From:** Steve Pietrowicz  
**To:** Microsoft ATR  
**Date:** 1/27/02 11:57pm  
**Subject:** Microsoft Settlement

Hello.

I'm writing to you concerning the proposed settlement between the Justice Department and Microsoft.

I believe it is wholly inadequate, and offers no real remedy against Microsoft's past and current business practices.

I've been working in the industry for the last 17 years, and started working with personal computers in 1978. I've worked for a number of different companies, and worked on a variety of computer platforms, both large and small. Throughout that time, as a consumer, I've seen a number of things that Microsoft has done to maintain it's stranglehold on personal computers. I'm going to address one of those, because I believe it goes to the heart of how Microsoft treats what it views as competing platforms, and how it will continue to behave unless this issue is addressed.

The Java programming platform allows programs to be written which will run on multiple platforms, without needing a special version of the program for each of those programs. This completely eliminates the need for special versions of the same program for different platforms. Instead of having a version for Microsoft windows, another version for the Apple Macintosh, and yet a third for a UNIX system, there is only one version that is needed. Many many companies have licensed the Java programming language, including Microsoft. However, instead of adhering to the license agreements it made with Sun, Microsoft came out with it's own incompatible version of the Java programming language, at first without telling programmers that it was incompatible. I say, "at first", because it wasn't until there were a number of news stories that pointed this out to programmers. Microsoft's response was that there version was an improvement of Java, when in fact, the sole purpose was to make versions that only worked on the Microsoft platform. In the end, Microsoft has decided to drop Java all together, and Java is no longer included in the Windows operating systems it recently released (Windows XP).

What Microsoft did, at the very beginning of Java's popularity, was to create a wedge that prevented people from writing programs using Microsoft's Java for other platforms, just to keep it's monopoly intact. I contend that the sole purpose of their licensing the Java platform was use the incompatibilities Microsoft itself created to prevent developers from creating software on other platforms.

This has happened time and time again. Look at any of the more popular programs that Microsoft viewed as "threats" to it's existence. Here is a

reference to an article of another instance of this sort of behavior:

<http://eatthestate.org/03-07/MicrosoftPlaysHardball.htm>

This article describes how Microsoft successfully prevented a highly successful competing product (vs MSDOS), DR-DOS, from running with Microsoft Windows 3.1. From the article:

"The plan was to plant code into Windows which would "put competitors on a treadmill" and cause the system to "surely crash at some point shortly later." In other words, Windows would intentionally bomb if it detected DR DOS."

The article cites that the Department of Justice found this out from a memo by Microsoft VP David Cole. The engineers at Microsoft that created this code to prevent DR DOS from running even went so far as to encrypt part of their work to avoid detection.

Additionally, in October of 1998, Microsoft was successfully able to prevent Compaq computer from allowing Apple to include their Quicktime viewer in products it shipped at that time, because of "incompatibilities" with Windows. Microsoft had a competing technology, ActiveMovie, which shipped instead.

I urge you to read the rest of this article, which I've attached below.

Microsoft has shown time and time again that it will try and introduce code or technology into its products to prevent them from becoming successful. It's very important this is addressed. And there are several ways to do this.

First, require that Microsoft ship Sun Microsystems's Java with all Windows platforms. This should be a version that passes all tests that Sun requires of its OEMs, and does not include anything that would break Java programs if executed on other platforms. This is very very important, because while Java was prominently brought up in the trial, there is nothing in the DOJ settlement that addresses it.

Second, require that Microsoft publish the complete operating system source code to Windows, with (and this is important) the tools necessary to build the operating system from source code to binary executable. This will prevent Microsoft from creating "special code" that prevents what it views as a competing technology, from running.

Microsoft has shown time and time again, that it can not be trusted to "do the right thing". The court should set into place a judgement that requires it to do so.

This is only one issue, and one aspect of how Microsoft conducts itself.

Consider how Microsoft has acted in the past on other issues: It required computer manufacturers that sold systems that ran Windows to pay royalties on Windows licenses, even though the system shipped with another (or without) an operating system; It threatened computer manufacturers by saying that it would withhold the Windows operating system, unless they agreed with Microsoft's terms, forcing computer makers to comply.

Please carefully consider all the e-mail you've received, and draft a new, stronger judgement that the one that DOJ currently proposes. Microsoft has already been found to be a monopoly. Please take steps that are more than the slap on the wrist that the current DOJ proposal is.

I look back over the years and think of all the companies that Microsoft prevented from succeeding because of practices I illustrated above. Worse, I think of the number of conference rooms I've sat in, where people said things like "We can't do this project. If Microsoft ever decides to do this sort of thing, we'll be crushed". I don't think people that aren't in the computer industry realize how often this takes place.

It's time it stopped.

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